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April 15, 2025

BY ECF

Honorable Robert W. Lehrburger
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Ali Moore v. City of New York, et al.,
22 Civ. 10957 (LGS) (RWL)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and attorney for defendants the City of New York, David Castro, Nilsa Nivar (formerly Nilsa Patricio), Antonio Castelluccio, David Maldonado, and Kevin Rosas (collectively the “City Defendants”) in the above-referenced action. City Defendants write in response to the Court's April 9, 2025 Order (ECF No. 280) directing counsel to advise the Court whether they represent any of the “served but not yet appeared” defendants and whether they will accept service on behalf of any of the “service attempted but failed” defendants.

The City Defendants respectfully report that we do not represent any of the “served but not yet appeared” defendants. Furthermore, we note the following with respect to certain individuals who purportedly have been served but have not appeared:

- **NYC Fire Department EMT/EMS Vasquez:** As previously advised to the Court (see ECF No. 108), the only EMT with the last name Vasquez who responded to the October 5, 2021 EMS call at issue in this action “is not employed by the [New York City Fire Department (“FDNY”)] and was not employed by the FDNY on the date of the incident in question. Upon information and belief, the only EMT with the last name Vasquez who was present for the October 5th incident was employed by Mount Sinai Health System and thus the City would not assume their representation” To the extent the docket reflects service was made by mail on EMT Vasquez (see ECF No. 44) this Office reiterates that any acceptance of service for this individual by FDNY was in error.

- With respect to **Officer Gabriela Flores Tapia, Officer David Franklin, and Sergeant Joseph Angelone**, City Defendants respectfully note that while these individuals were identified in the City's Valentin response (ECF No. 190), and summonses were subsequently issued and served upon them, these individuals were never properly added as defendants to this action. Per the undersigned's discussions with Assistant Corporation Counsel Evan Gottstein, who was previously handling this case, during the initial conference held on November 6, 2024, the Court addressed this procedural irregularity and subsequently issued an Order (ECF No. 232) stating: "If Plaintiff wants to include as defendants any of the individuals identified by Defendants in response to the Court's Valentin orders, then by November 27, 2024, Plaintiff shall file a Fifth Amended Complaint that includes those individuals by name in the caption and any relevant allegations as to their involvement." Despite this directive and ample opportunity to do so, Plaintiff has not filed a Fifth Amended Complaint adding these individuals as defendants.

The City Defendants therefore submit that service upon these individuals was premature and procedurally improper, as they have not been formally named as defendants in any operative complaint in this action.

With respect to the other defendants listed in the Court's order at ECF No. 280, on information and belief, Earl Moore and Karen Eubanks are Plaintiff's family members, not City employees eligible for representation by this Office, and the status of the remaining defendants identified in the Court's Order has been addressed in the NYCH+H Defendants' letter dated April 9, 2025 at ECF No. 281.

The City Defendants thank the Court for its time and consideration of this matter.

Respectfully Submitted,

Joseph Zangrilli /s/

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